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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

In re:

THE ROMAN CATHOLIC BISHOP OF
OAKLAND, a California corporation sole,

Debtor.

Case No. 23-40523 WJL

Chapter 11

**PACIFIC'S OBJECTION TO THE
MOTION TO ALLOW FILING OF
LATE FILED PROOFS OF CLAIM**

Judge: Hon. William J. Lafferty
Hearing Date: December 13, 2023
Hearing Time: 10:30 a.m.
Place: United States Bankruptcy Court
1300 Clay Street, Courtroom 220
Oakland, CA 94612

1 Lloyd's London accurately states the law supporting the enforcement of the Bar Date
2 Order and the important policy reasons for the law in the *Certain Underwriters at Lloyd's,*
3 *London's Opposition to the Motion to Allow Filing of Late Proofs of Claim; Objections to*
4 *Declaration of Erika J. Scott (Filed Concurrently Herewith)* [Dkt. No. 663]. Insurance Company
5 of North America, Pacific Indemnity Company, and Pacific Employers Insurance Company join
6 Lloyd's London legal arguments and authority for enforcing the Bar Date Order.

7 1. With one exception, none of the 18 complaints that the Movants filed identify the
8 defendant as The Roman Catholic Bishop of Oakland. The complaints are pled generically as "Doe
9 Diocese" as the defendant. See Declaration of Adam P. Haberkorn in Support of Pacific's
10 Objection to the Motion to Allow Filing of Late Proofs of Claim filed herewith. Movants
11 acknowledge that the late-filed proofs of claim were not attested to by the claimants but rather were
12 prepared by an associate who was not responsible for the matter who by definition unable to verify
13 the contents of the proofs of claim under the oath required.¹ The Movant provides no support that
14 this unidentified associate or legal assistant have personal knowledge of the facts asserted in any
15 of the late-filed proofs of claim. The only individual identified as having any direct involvement
16 with any of the 18 claimants was Ms. Scott, as she states herself "I am responsible for overseeing
17 all of the firm's Catholic Clergy Abuse Cases, including those of the eighteen (18) claimants" that
18 are the subject of the Motion. Scott Decl. ¶ 2; see also Motion, ¶ 2. And she did not prepare the
19 proofs of claim.

20 2. A proof of claim is signed under an oath that requires counsel to attest under penalty
21 of perjury that they have made an investigation of the contents of such proof of claim. The oath
22 for the Official Form 410 reads "I have examined the information in this Proof of Claim and have
23 reasonable belief that the information is true and correct. I declare under penalty of perjury that
24

25 ¹ The Motion states that the attorney responsible for each of the 18 claimants, Erika J. Scott, was on
26 maternity leave when the Debtor filed for bankruptcy and when the Bar Date passed, and the Movant admits
27 that during that time "Ms. Scott's *associate* was responsible for preparing all proofs of claim for review
28 prior to submission to the bankruptcy court," Motion, ¶ 9, the *Declaration of Erika J. Scott in Support of*
Motion to Allow Filing of Late Proofs of Claim, ¶ 10, Dkt. No. 608 ("Scott Decl.") (emphasis added), and
that "[Ms. Scott] instructed her associate and legal assistant to immediately file all claims on September 12,
2023." Motion, ¶ 12, Scott Decl., ¶ 13. Ms. Scott only "made minor edits" to the late-filed proofs of claim,
she did not sign them. Motion, ¶ 10, Scott Decl. ¶ 11.

1 the foregoing is true and correct.” A substantially similar oath is included in the signature block
2 for the Optional Supplement to Official Form 410 For Use by Sexual Abuse Claimants, which reads
3 in bold “I have examined the information in this Supplement and have a reasonable belief that the
4 information is true and correct. I declare under penalty of perjury that the foregoing statements are
5 true and correct.”

6 3. The Official Form 410 further provides at the top-left of the signature block in Part
7 3 that “[t]he person completing this proof of claim must sign and date it. FRBP 9011(b).” Rule
8 9011(b) of the Federal Rule of Bankruptcy Procedure (“FRBP”) provides that, by signing the proof
9 of claim and presenting it to the court, the signatory “is certifying that to the best of the person’s
10 knowledge, information, and belief after an inquiry reasonable under the circumstances . . . (3) the
11 allegations and other factual contentions have evidentiary support, or, if specifically so identified,
12 are likely to have evidentiary support after a reasonable opportunity for further investigation or
13 discovery.” There is no indication that the late-filed proofs of claim were signed by an individual
14 with first-hand knowledge or anyone who has conducted a modicum of investigation into the
15 contents of the late-filed proofs of claim.

16 CONCLUSION

17 WHEREFORE, Pacific respectfully requests that the Motion be denied and the Late Claims
18 not be deemed timely filed.
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1 Dated: December 6, 2023

By: /s/ Karen Rinehart

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